

REMARKS

To address the objections to the specification in the present office action, the applicant has amended the specification as detailed above to more clearly define the acronyms DMHO (dormant mode handoff) and DRS (data ready to send). The applicant notes that RN-PDIT is already defined as Radio Network Packet Data Inactivity Timer at page 10 line 3. Regarding the other terms identified by the Examiner, the applicant submits that they are terms well-known from industry standards such as those published by the 3GPP2 organization via www.3gpp2.com. For example, 3GPP2 literature uses the "ADDs" acronym for Application Data Delivery Service. Moreover, the prior art presently cited also uses most of the terms identified by the Examiner.

Regarding the objection to claim 5, the applicant is unsure why the Examiner is objecting. The Examiner's questions do not make sense to the applicant in view of what claim 5 says. Claim 5 recites "sending, by the AN to the target PDSN, an indication that a handoff is being performed and the MS does not have data ready to send."

Claims 7-19 and 21-25 would be allowed if rewritten in accordance with the present office action.

Claims 1-19 stand rejected under 35 U.S.C. § 112, first paragraph, as being indefinite. Regarding the § 112 rejection of claim 1 (and the others listed), the applicant submits that the word "signaling" is properly used and that where no antecedent basis is indicated, none is intended. To address the § 112 rejection of claims 2, 6 and 24, the claims have been amended. Regarding the § 112 rejection of claims 9-10 and 14, the applicant submits that these claims are clear and asks the Examiner to provide some reason for why they are asserted to not be clear.

Claims 1, 4-6 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Madour et al. (U.S. Publication Number 2001/0050907, hereinafter "Madour"), claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Madour in view of Harper et al. (U.S. Publication Number 2003/0021252, hereinafter "Harper"), and claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Madour in view of Perras (U.S. Publication Number 2002/0141369). Respectfully

disagreeing with these rejections, reconsideration is requested by the applicants.

Independent claim 1 recites (emphasis added) "establishing, by the AN with the MS, a traffic channel (TCH) **to support the inter-PDSN handoff.**" Independent claim 8 recites (emphasis added) "An Access Network (AN)... comprising... a base station (BS)... adapted to establish, with the MS, a traffic channel (TCH) **to support the inter-PDSN handoff.**" The Examiner refers to Madour [0006, 0017, 0040 and 0064] as teaching the language of claims 1 and 20. Madour [0006, 0017, 0040 and 0064] reads (emphasis added):

[0006]In the case of the authentication failure, an authentication center (AC) may be co-located with the MSC or with a Home Location Register (HLR). When an MS attempts to use a packet-data service, the MSC and the Base Station Controller (BSC) serving the MS take steps to allocate a radio traffic channel. In parallel, the BSC begins setting up a data path between the MS and a Packet Data Service Node (PDSN). In many cases, the path between the MS and the PDSN may be set up faster than the authentication is reported to the MSC. If an authentication failure is reported to the MSC after the data path is set up between the MS and the PDSN, the MSC deallocates the radio resources that were allocated to the MS, but presently does not do anything to release the data path.

...
[0017]In yet another aspect, the present invention is an MSC in a wireless access network that includes a first signaling means for receiving a message from a BSC indicating that an MS has powered down during a packet-data session; means for determining in the MSC that the packet-data session is dormant; and a second signaling means for sending an instruction to the BSC to release network resources associated with the packet-data session.

...
[0040]If it is determined at step 37that the packet-data session is dormant, the method moves to step 41where the MSC updates the location of the MS in the MS's HLR, and then instructs the BSC to release the traffic and control channels that are allocated to the MS at 42. At step 43, the MSC sends a Location Update Accept message to the BSC and includes an instruction to release the resources associated with the PPP session. At 44, the BSC sends an A9-Update-A8message to the PCF 16with an indication of the dormant power-down by the MS. In response, the PCF tears down the associated resources, and the PDSN releases the PPP connection at step 45.

...
[0064]FIG. 9is a flow chart illustrating the steps of the method **when there is an authentication failure following an inter-PDSN dormant handoff.** At step 125, the MS performs an inter-PDSN dormant handoff. At 126, the packet-data session is reactivated **due to the sending of agent advertisements and PPP re-negotiation.** The reactivation includes the establishment of an SCCP connection 14between the MSC 11and the BSC 12. At 127, the MSC sends a Clear command to the BSC using the SCCP connection. The Clear command includes a cause value "authentication failure". The BSC

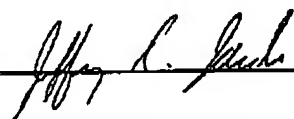
reacts by clearing the traffic channel at 128, and at 129, sending an A9-Release-A8message to the PCF 16. The A9-Release-A8message includes the cause value "authentication failure". At 130, the PCF reacts by clearing the A8connection 17 and initiating the closure of the A10connection 19. This action triggers the PDSN 18 to release the PPP connection at step 131.

Thus, the applicants submit that Madour, as cited by the Examiner, does not teach establishing, by the AN with the MS, a traffic channel (TCH) to support the inter-PDSN handoff. The traffic channels that Madour refers to in the above paragraphs all appear to be for purposes other than to support an inter-PDSN handoff. Clearly, TCHs are used for many purposes. However, the applicants have claimed a new use that the prior art does not appear to teach or suggest.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1 or 20, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. Furthermore, no amendment made was for the purpose of narrowing the scope of any claim, unless it has been argued herein that such amendment was made to distinguish over a particular reference or combination of references. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,
S. Sayeedi

By: 

Jeffrey K. Jacobs
Attorney for Applicant(s)
Registration No. 44,798
Phone No.: 847/576-5562
Fax No.: 847/576-3750